

JS 44C/SDNY
REV. 5/2010JUDGE OETIKEN
CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

14 CV 325 12014

PLAINTIFFS
Arthur Menaldi, Individually and on Behalf of All Others
Similarly Situated,

DEFENDANTS
Och-Ziff Capital Management Group LLC, Daniel S. Och, and
Joel M. Frank

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
Pomerantz LLP
600 Third Ave., New York, NY 10016, T: (212) 661-1100

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

§§10(b) and 20(a) of the Exchange Act (15 U.S.C. §§78j(b) and 78t(a)) and Rule 10b-5

Has this or a similar case been previously filed in SDNY at any time? No? ☒ Yes? ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

CONTRACT		TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY - MED MALPRACTICE	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE REAPPORTIONMENT				
[] 120 MARINE	[] 315 AIRPLANE PRODUCT LIABILITY	[] 365 PERSONAL INJURY PRODUCT LIABILITY	[] 620 OTHER FOOD & DRUG	28 USC 158	[] 410 ANTITRUST				
[] 130 MILLER ACT	[] 320 ASSAULT, LIBEL & SLANDER	[] 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY	[] 625 DRUG RELATED SEIZURE OF PROPERTY	28 USC 157	[] 430 BANKS & BANKING				
[] 140 NEGOTIABLE INSTRUMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY		21 USC 881		[] 450 COMMERCE				
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 630 LIQUOR LAWS	PROPERTY RIGHTS	[] 460 DEPORTATION				
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT LIABILITY	[] 370 OTHER FRAUD	[] 640 RR & TRUCK	[] 820 COPYRIGHTS	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)				
[] 152 RECOVERY OF DEFAULTED STUDENT LOANS (EXCL VETERANS)	[] 350 MOTOR VEHICLE	[] 371 TRUTH IN LENDING	[] 650 AIRLINE REGS	[] 830 PATENT	[] 480 CONSUMER CREDIT				
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 380 OTHER PERSONAL PROPERTY DAMAGE	[] 660 OCCUPATIONAL SAFETY/HEALTH OTHER	[] 840 TRADEMARK	[] 490 CABLE/SATELLITE TV				
[] 160 STOCKHOLDERS SUITS	[] 360 OTHER PERSONAL INJURY	[] 385 PRODUCT LIABILITY	LABOR	SOCIAL SECURITY	[] 810 SELECTIVE SERVICE				
[] 190 OTHER CONTRACT			[] 710 FAIR LABOR STANDARDS ACT	[] 861 HIA (1395ff)	[] 850 SECURITIES/COMMODITIES/EXCHANGE				
[] 195 CONTRACT PRODUCT LIABILITY			[] 720 LABOR/MGMT RELATIONS	[] 862 BLACK LUNG (923)	[] 875 CUSTOMER CHALLENGE				
[] 196 FRANCHISE			[] 730 LABOR/MGMT REPORTING & DISCLOSURE ACT	[] 863 DIWC/DIWW (405(g))	12 USC 3410				
	ACTIONS UNDER STATUTES		[] 740 RAILWAY LABOR ACT	[] 864 SSID TITLE XVI	[] 890 OTHER STATUTORY ACTIONS				
	CIVIL RIGHTS	PRISONER PETITIONS	[] 790 OTHER LABOR LITIGATION	[] 865 RSI (405(g))	[] 891 AGRICULTURAL ACTS				
	[] 441 VOTING	[] 510 MOTIONS TO VACATE SENTENCE	[] 791 EMPL RET INC SECURITY ACT	FEDERAL TAX SUITS	[] 892 ECONOMIC STABILIZATION ACT				
	[] 442 EMPLOYMENT	20 USC 2255		[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 893 ENVIRONMENTAL MATTERS				
	[] 443 HOUSING/ACCOMMODATIONS	[] 530 HABEAS CORPUS	IMMIGRATION	[] 871 IRS-THIRD PARTY	[] 894 ENERGY ALLOCATION ACT				
	[] 444 WELFARE	[] 535 DEATH PENALTY	[] 462 NATURALIZATION APPLICATION	26 USC 7609	[] 895 FREEDOM OF INFORMATION ACT				
	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 540 MANDAMUS & OTHER CIVIL RIGHTS	[] 463 HABEAS CORPUS-ALIEN DETAINEE		[] 900 APPEAL OF FEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE				
	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 555 PRISON CONDITION	[] 465 OTHER IMMIGRATION ACTIONS		[] 950 CONSTITUTIONALITY OF STATE STATUTES				
	[] 440 OTHER CIVIL RIGHTS								

Check if demanded in complaint:

☒ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2a. Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE CITIZENSHIP BELOW. (28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Arthur Menaldi, Las Vegas, Nevada (Clark County)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Och-Ziff Capital Management Group LLC, 9 West 57th Street, New York, NY 10019 (New York County)

Daniel S. Och, c/o Och-Ziff Capital Management Group LLC, 9 West 57th Street, New York, NY 10019 (New York County)

Joel M. Frank, c/o Och-Ziff Capital Management Group LLC, 9 West 57th Street, New York, NY 10019 (New York County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION.)

DATE 5/5/14 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
☒ YES (DATE ADMITTED Mo. 01 Yr. 2006)
 Attorney Bar Code #JLXXXX

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge MAG. JUDGE PECK is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)